REMARKS

In the Office Action, Claims 1-3, 5-8, 11-14, and 31-35 were examined and stand rejected. In response, Claims 1, 11, and 31 are amended, no claims are cancelled, and Claim 41 is added. Applicants respectfully request reconsideration of pending Claims 1-3, 5-8, 11-14, 31-35, and 41 in view of at least the following remarks and amendments.

I.   Election/Restrictions

Applicant's election without traverse of Group II, claims 31-35, and Species IV, claims 1-3, 5-8, 11-14, 18 and 19 are improper since claims 18 and 19 are not part of Species IV as set forth in the original requirement for election/restriction. Therefore, claims 18 and 19 are withdrawn from consideration.

II.   Double Patenting

Claims 1-3, 5-8, 11-14, and 31-35 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 over co-pending U.S. Patent Application Publication No. 2007/0223704. Applicants hold in abeyance this rejection until such time as the claims on which the rejection is premised are granted.

III.   Claim Rejections Under 35 U.S.C. §102

Claims 1, 11, and 31 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,278,837 to Best ("<u>Best</u>").

Claim 1 recites:

> 1.   A method comprising:
> programming a <u>chip secret key</u> into a manufactured chip;
> sending the manufactured chip to a system original equipment manufacturer (OEM); and
> generating at least one <u>private</u> key for the manufactured <u>chip</u> if a received key <u>update request</u> is <u>authenticated</u>. (Emphasis added.)

<u>Best</u> is generally directed to a crypto-microprocessor chip that executes an enciphered program by piecemeal deciphering of enciphered instructions as needed. By deciphering small portions of the program only when they are needed, <u>Best</u> avoids any need for storing the program in deciphered form. (<u>See</u> col. 4, lines 41-46.) In contrast with Claim 1, <u>Best</u> does not disclose or

suggest generating at least one private key for a manufactured chip if a received key update request is authenticated. <u>Best</u> discloses that the enciphering process of unit 184 is performed under the control of a secret cipher key, that is loaded into CMP 16 via line 163 by unit 184. (<u>See</u> col. 4, lines 60-65.) However, loading of the key into CMP, for storage into register 5 and the removal of such lines prior to distribution of CMP to users, does not disclose or suggest the generation of at least one private key for a manufactured chip if a received key update request is authenticated, as in Claim 1.

According to the Examiner, this feature of Claim 1, prior to amendment, is disclosed by <u>Best</u> at col. 14, lines 15-67. However, the passage referred to by the Examiner describes operation of unit 184 for storing the key into CMP 16. In contrast with Claim 1, the passage referred to by the Examiner is directed to the explicit requirementthat the storing of the key into the CMP is done at a different time and by a different operator than the storing of the enciphered program into memory 12. (<u>See</u> col. 14, lines 15-20.) Hence, neither this passage, nor any other portion of <u>Best</u>, either discloses or suggests generation of a private key that is conditioned on authentication of a received key update request, as in Claim 1.

Therefore, the Examiner has failed to identify, and Applicants are unable to discern any portion of <u>Best</u> or the references of record, that discloses, teaches, or suggests generating at least one private key for the manufactured chip if a received key update request is authenticated, as in Claim 1.

For each of the above reasons, Claim 1, and all claims which depend from Claim 1, are patentable over <u>Best</u>, as well as the references of record. Therefore, please reconsider and withdraw the §102(b) rejection of Claim 1.

Each of the Applicants other independent claims, and each claim which depend from those claims are patentable over the cited art for similar reasons. Therefore, please reconsider and withdraw the §102(b) rejection of Claims 11 and 31.

IV.   **Allowable Subject Matter**

Claims 2, 3, 5-8, 12-14, and 32-35 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claims 2, 3, 5-8, 12-14, and 32-35, Claims 2, 3, 5-8, 12-14, and 32-35, based on their dependency from Claims 1, 11 and 35, respectively, are also patentable over <u>Best</u>, as well as the references of record. Therefore, Applicants respectfully request that the Examiner allow Claims 2, 3, 5-8, 12-14, and 32-35.
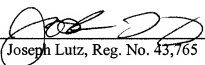
Conclusion

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

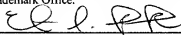Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: 3/31/08

By: _____
Joseph Lutz, Reg. No. 43,765

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
Telephone (310) 207-3800
Facsimile (408) 720-8383